UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

BRUCE TWEEDIE and AMBER HILLMAN,

Plaintiffs,

vs.

GLOBALFOUNDRIES U.S. INC,

Defendant

COMPLAINT

1:15 **-CV-** 1065
(GTS / CFH)

Plaintiffs, Bruce Tweedie and Amber Hillman, by and through their attorneys, Harris, Conway & Donovan, PLLC, as and for a Complaint against the Defendant, GLOBALFOUNDRIES U.S. INC. allege that at all times hereinafter mentioned:

INTRODUCTORY STATEMENT

1. This is an action seeking damages for defendant's failure to provide the plaintiff with a safe place to work, as required by Sections 240, 241 and 200 of the Labor Law of the State of New York, and as called for under the common law principals of negligence.

2. One or more of the exceptions set forth in CPLR §1602 applies to this action or claim for damages, including, but not limited to, the exceptions set forth in CPLR §1602 (2) and (8).

JURISDICTION AND VENUE

3. Jurisdiction is based upon diversity of citizenship pursuant to 28 U.S.C. §1332.

4. The amount in controversy exceeds, exclusive of interest and costs, the sum of $75,000.00.

5. Plaintiffs are citizens of the State of Nevada.

6. Upon information and belief, the Defendant, GLOBALFOUNDRIES U.S. INC., is a corporation incorporated under the laws of the State of Delaware and has its principal place of business located in California.

FACTUAL ALLEGATIONS

7. The incident complained of herein occurred on January 13, 2015, at a certain facility located at the Luther Forest Technology Campus in the Towns of Malta and Stillwater, Saratoga County, State of New York, and at a location believed to be designated as the semiconductor manufacturing complex for GLOBALFOUNDRIES U.S. INC.

8. At all times mentioned herein, the defendant, GLOBALFOUNDRIES U.S. INC., is the owner, acted as the owner and/or under contract will become the owner of the aforesaid premises, and of the buildings and structures erected thereon, located at the Luther Forest Technology Campus in Saratoga County, State of New York.

9. Prior to the date of the incident complained of herein, the Defendant, GLOBALFOUNDRIES U.S. INC., took action to construct a new semiconductor manufacturing complex to be built at the Luther Forest Technology Campus in the Towns of Malta and Stillwater, Saratoga County, State of New York.

10. Upon information and belief, Defendant GLOBALFOUNDRIES U.S. INC. was also acting as the general contractor for this construction project.

11. As the general contractor for this construction project, Defendant GLOBALFOUNDRIES U.S. INC. was supervising the construction of the project.

12. Upon information and belief, the Defendant, GLOBALFOUNDRIES. U.S. INC., entered into a subcontract with Dynamic Systems, Inc., to construct and erect pipelines in connection with the construction of the semiconductor manufacturing facility.

13. Upon information and belief, the Defendant, GLOBALFOUNDRIES U.S. Inc., supervised and controlled the work to be performed by Dynamic Systems, Inc.

14. At all times mentioned, the Defendant, GLOBALFOUNDRIES U.S. Inc., had the authority to stop the work.

15. On January 13, 2015, and at the time of the accident referred to herein, the Plaintiff, Bruce Tweedie, was employed by Dynamic Systems, Inc.

INCIDENT

16. On or about January 13, 2015, the Plaintiff, Bruce Tweedie, while in the course of his employment with Dynamic Systems, Inc., and while working on the construction project herein mentioned, at the premises herein mentioned, was caused to sustain a fall and caused severe and permanent personal injuries.

17. On or about January 13,2015, the Plaintiff, Bruce Tweedie, was supplying material from a cart to a co-worker, when he fell into an open floor area. The fall occurred when as the result of the lack of barricades and/or covers and/or any other safety device, the Plaintiff was caused to fall into an open floor area.

AS AND FOR A FIRST CAUSE OF ACTION

18. Plaintiffs repeat, reiterate and reallege each and every allegation contained in the Complaint herein, with the same force and effect as if set forth fully at this point.

19. The Defendant is the owner, general contractor or contractor in connection with the construction project upon which Plaintiff Bruce Tweedie was working at when he sustained injury.

20. Defendant knew or should have known of the work that was being performed by Plaintiff at the time of the injury.

21. The Defendant knew or should have known that the premises were in a dangerous condition.

22. Despite knowing that the work being performed by the Plaintiff and other employees of Dynamic Systems, Inc., was being performed in the vicinity of open hole areas, the Defendant did not take any steps to abate the dangerous condition, stop the work or to provide any safeguards against the dangers then and there existing.

23. The incident complained of occurred as a result of Defendant's negligence and failure to exercise reasonable care in the construction and/or operation of its premises under the circumstances then existing.

24. Furthermore, Defendant is aware of a pattern of conduct relative to open hole conditions as outlined in the Northern District of New York decision of *Lawler v. GLOBALFOUNDRIES U.S. Inc., 2014 WL4900480*, and failing to remedy these conditions is morally reprehensible, shocks the conscience and indicates that the Defendant, its agents, servants, employees, representatives, contractors and/or subcontractors were acting with reckless disregard for the safety and the rights of others, thus calling for an award of punitive damages.

25. By reason of the facts aforesaid, Plaintiff, Bruce Tweedie, has been damaged in a sum of money representing a present value of up to Five Million Dollars ($5,000,000.00), along with an appropriate award of punitive damages.

AS AND FOR A SECOND CAUSE OF ACTION

26. Plaintiffs repeat, reiterate and reallege each and every allegation contained in the Complaint herein, with the same force and effect as if fully set forth at this point.

27. The Defendant is the owner, general contractor or contractor as that term is employed in Section 240 of the New York State Labor Law.

28. The aforesaid incident, and the injuries and damages resulting therefrom, occurred as the result of the failure of the Defendant to provide the plaintiff with proper safety devices of the kind called for within Section 240 of the Labor Law of the State of New York.

29. By reason of the facts aforesaid, Plaintiff, Bruce Tweedie, has been damaged in a sum of money having a present value of up to Five Million Dollars ($5,000,000.00).

AS AND FOR A THIRD CAUSE OF ACTION

30. Plaintiffs repeat, reiterate and reallege each and every allegation contained in the Complaint herein, with the same force and effect as if fully set forth at this point.

31. The Defendant is the owner, general contractor or contractor as that term is employed in Section 241 of the New York State Labor Law.

32. The aforesaid incident, and the injuries and damages resulting therefrom, occurred as the result of the failure of the Defendant to provide the Plaintiff with a safe place to work as required by Section 241 of the Labor Law of the State of New York.

33. By reason of the facts aforesaid, Plaintiff, Bruce Tweedie, has been damaged in a sum of money having a present value of up to Five Million Dollars ($5,000,000.00).

AS AND FOR A FOURTH CAUSE OF ACTION

34. Plaintiffs repeat, reiterate and reallege each and every allegation contained in the Complaint herein, with the same force and effect as if fully set forth at this point.

35. The aforesaid incident, and the injuries and damages resulting therefrom, occurred as a result of the failure of the Defendant to provide the Plaintiff with a safe place to work as required by §200 of the Labor Law of the State of New York.

36. By reason of the facts aforesaid, Plaintiff, Bruce Tweedie, has been damaged in a sum of money having a present value of up to Five Million Dollars ($5,000,000.00).

AS AND FOR A FIFTH CAUSE OF ACTION

37. Plaintiffs repeat, reiterate and reallege each and every allegation contained in the Complaint herein, with the same force and effect as if fully set forth at this point.

38. Plaintiff, Amber Hillman, is the lawful wife of the plaintiff, Bruce Tweedie.

39. Plaintiff, Amber Hillman , is entitled to the services, society and companionship of the Plaintiff, Bruce Tweedie, and to all of the rights and benefits conferred on her by reason thereof.

40. As a result of the foregoing incident, the Plaintiff, Amber Hillman, has been deprived of the services, society and companionship of her husband, Bruce Tweedie.

41. By reason of the facts aforesaid, the Plaintiff, Amber Hillman, has been damaged in a sum of money having a present value of up to One Hundred Thousand Dollars ($100,000.00).

WHEREFORE, Plaintiffs, Bruce Tweedie and Amber Hillman, demand judgment against the Defendant as follows:

a) On the first cause of action, in a sum of money having a present value of up to Five Million and 00/100 Dollars ($5,000,000.00);

b) Oh the second cause of action, in a sum of money having a present value of up to Five Million and 00/100 Dollars ($5,000,000.00);

c) On the third cause of action, in a sum of money having a present value of up to Five Million and 00/100 Dollars ($5,000,000.00);

d) On the fourth cause of action, in a sum of money having a present value of up to Five Million and 00/100 Dollars ($5,000,000.00);

e) On the fifth cause of action, in a sum of money having a present value of up to One

Hundred Thousand and 00/100 Dollars ($100,000.00);

f) an award of punitive damages in an amount to be determined by a jury; and

g) together with the costs and disbursements of this action.

Dated: August 28, 2015

Michael C. Conway, Esq.
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